

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ANGEL ARNELL TENNANT,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

THERESA YURKO,

Respondent-Appellant,

and

KEITH TENNANT,

Respondent.

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UNPUBLISHED  
November 1, 2005

No. 261453  
Wayne Circuit Court  
Family Division  
LC No. 02-411451-NA

Before: Talbot, P.J., and White and Wilder, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

Angel is the youngest of respondent mother's seven children. She was born positive for cocaine and suffering from cerebral palsy. A year later, in July 2002, a petition for temporary custody was filed because respondent parents were failing to attend to Angel's medical needs and Angel was failing to thrive. As a result of her cerebral palsy, a feeding tube was surgically inserted in Angel's stomach, she required glasses and hearing aids, and she needed to be stretched several times daily. Angel had numerous doctor's appointments monthly, and physical and occupational therapy sessions weekly. Following a permanent custody trial held in February 2004, the trial court found that the statutory grounds for termination were established but also determined that, at that time, termination was not in Angel's best interests because she was unlikely to be adopted. A year later, in February 2005, another trial for permanent custody was held and respondent's parental rights were terminated.

The trial court did not clearly err in finding that the conditions leading to adjudication continued to exist and were not likely to be rectified within a reasonable time. MCR 3.977(J); *In*

*re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). The original petition sought temporary custody because Angel was not receiving appropriate medical care and suffered from a failure to thrive. Respondent was required to attend all of Angel's medical and therapy appointments but did not and was late to many of the appointments she did attend. Respondent did not attend any appointments in the four months preceding the filing of the second permanent custody petition. Therefore, the trial court did not clearly err in finding that section (c)(i) was established by clear and convincing evidence.

The trial court found that section (c)(ii) had been established because respondent continued to be involved with drugs, as established by a drug raid at her home that yielded large quantities of cocaine and a firearm and by her failure to submit drug screens. While respondent's argument that she did not receive notice and an opportunity to rectify the conditions regarding the drug raid may be persuasive regarding the possession of firearms, it is not persuasive regarding respondent's involvement with drugs. In respondent's first treatment plan, she was ordered to submit random drug screens and attend substance abuse treatment if found to be necessary. Although respondent submitted some drug screens and completed substance abuse treatment, her involvement with drugs was clearly not rectified, and the trial court did not clearly err in finding that section (c)(ii) was established by clear and convincing evidence.

Finally, the trial court also did not clearly err in finding that there was a reasonable likelihood that Angel would be harmed if returned to respondent's home. In one of the two unsupervised visits respondent received, she did not feed Angel through her feeding tube as was required and had to take Angel to the hospital for dehydration. Angel's pediatrician testified that a problem in Angel's day-to-day care could become life threatening very quickly. Considering respondent's inability to care for Angel, coupled with the drug raid and finding of firearms at respondent's home, the trial court did not clearly err in finding that section (j) was established by clear and convincing evidence.

The trial court also did not clearly err in its best interests determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *Trejo, supra* at 344. In the year between the first permanent custody trial and the second, respondent made no progress toward the return of Angel. Her bond with the child was not strong, and Angel continued to require permanency. Considering the ample opportunity for reunification that the trial court provided respondent, her lack of motivation to comply with court orders, and the successful drug raid on her home, the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Michael J. Talbot  
/s/ Helene N. White  
/s/ Kurtis T. Wilder